

FILE

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554  
AUG 11 2004

OFFICE OF  
MANAGING DIRECTOR

Kenneth Ripley  
Vice President  
Fort Stockton Radio Company, Inc.  
Gaines County Broadcasting, LLC  
954 S. US Highway 385  
Fort Stockton, TX 79735

Re: FY 2003 Regulatory Fees for KFST  
AM and FM, KIKZ and KSEM  
Fee Control No. 00000RROG-04-060  
Bill No. 0320001067

Dear Mr. Ripley:

This is in response to your letter dated April 30, 2004, filed on behalf of radio stations KFST AM and FM, KIKZ, and KSEM for waiver of the late payment penalty associated with the fiscal year (FY) 2003 regulatory fees for the four stations. Our records reflect that your \$1,850 for the total regulatory fees was received by the Commission on September 26, 2003, but that we have not yet received your late payment penalty of \$462.50.

You explain in your request that you attempted twice to pay the fees in a timely manner on September 24, 2003 on the FCC's on-line fee filer program, but that the fee filer program was inoperative at the time. You state that you mailed your regulatory fees to the Commission, postmarked by the deadline but not received by the Commission until September 26, 2003, one day late.

The Commission's rules are clear that licensees are required to pay to the Commission an annual regulatory fee in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. *See* 47 C.F.R. §1.1157; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15, 985 (2003) (2003 Report and Order); 47 U.S.C. §159. The Commission issued public notices announcing the date on which the FY 2003 regulatory fees were due. *See* Public Notice, *Regulatory Fees Due September 24, 2003*, DA 03-2557 (July 30, 2003); Public Notice, *Federal Communications Commission Extends the Filing Deadline Date of FY 2003 Regulatory Fee*, DA 03-2907 (Sept. 22, 2003) (extending deadline to September 25, 2003).

As we indicated in a letter to you dated June 18, 2004, we have confirmed that the fee filer program was down for several hours on September 24, 2003. However, the program was available later that same day and again on September 25, 2003, the final day of the filing period. As we also indicated, you could have filed your fees as early as August 11, 2003.

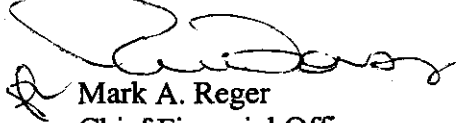
Kenneth Ripley, Vice President

2.

The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. We find that Fort Stockton Radio Company, Inc. did not meet its obligation to file its regulatory fees to be timely received by the Commission by September 25, 2003, the final date of the regulatory fee filing window for FY 2003. We therefore deny your request for waiver of the penalty for late payment of your FY 2003 regulatory fees.

A late payment penalty in the amount of \$462.50 for FY 2003 is now due. The payment must be filed, together with a copy of Bill No. 0320001067, within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

00000 RROB-04-060

6/8/04

RECEIVED & INSPECTED

MAY 21 2004

FCC-MAILROOM

4-30-04

Fort Stockton Radio Co., Inc.  
Gaines County Broadcasting, LLC  
KFST AM/FM, KIKZ/KSEM  
954 S. US Hwy. 385  
Fort Stockton, TX 79735

Mark A. Reger  
Chief Financial Officer  
Office of Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> St. S.W.  
Washington, DC 20554

Dear Sir:

This letter is concerning a notice of late penalties on 2003 annual regulatory fees, bill number 0320001067.

I had contacted the office of Revenue and Receivables Operations Group immediately upon receipt of the letter to resolve this matter on March 8, 2004. I have contacted them a total of three times by telephone and left a message each time. Finally, I received a return phone call April 29, 2004 from that office. They directed me to you regarding this matter.

I am requesting a waiver of the late fees stated in the letter as being \$462.50. The reason for the request is as follows: I attempted twice to pay the fees in a timely manner on September 24, 2003 in your on-line fee filer program. The fee filer program was inoperative at the times I attempted payment on-line. After two attempts were made to pay the fees in a timely manner via the internet, I decided to mail the fees to the Federal Communications Commission. The postmark will reveal that the fees were mailed by the deadline. However, they were received on September 26, 2003, one day late. My plans were to pay the fees through the fee filer in a timely manner. I do not believe the failure in the fee filer program was my fault and therefore am requesting a waiver of the late penalties.

Please notify me of your decision in this matter regarding KFST AM/FM, KIKZ, and KSEM radio stations.

Sincerely,

Kenneth E. Ripley, Vice Pres. Ft. Stockton Radio Co., Inc.; Gen. Partner, Gaines Co. Broadcasting, LLC

Letter

- Go by receipt date - late
- pay on time
- SB Managing Director
- in request for waiver

JUN 11 2004

RECEIVED FCC  
1000 MAY 21 P 6:01  
FINANCIAL OPERATIONS  
CENTER

Help Desk  
- ? Fee Filer  
23,240  
Verify his Attempts

Wait

0003783453 (R02)

Bill Processing

Document Number 0320001067

FRN 0003783487

GAINES COUNTY BROADCASTING, LLC

F1 NEXT

F9 EXIT

6/16/2004 ARIPNL0

BILL EXISTS - YOU ARE IN MODIFY MODE - PRESS F9 TO EXIT

RAMIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 0320001067

FRN 0003783487

GAINES COUNTY BROADCASTING, LLC

Bill Date 10/01/03 Bill Amount \$462.50

Bill Type FINE Bill Paid \$0.00

Bill Due Date 10/31/03 Bill Balance Due \$462.50

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # 00022362 Waiver Date Admin Chg Due \$0.00

Transaction Date 06/16/04 Acct Period 09 Total Due \$462.50

Bill Description Assess penalty for late regulatory fee

Line Item Sequence 001 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code 2003 08 90 9500 065 0199

Product No. 0399 Quantity 1 Item Amount \$462.50

Document Status 0 Item Paid \$0.00

Transaction Code Item Balance Due \$462.50

Reference Type Reference No. 0309308835855003 Line 001

Bureau File No. 20

Item Description payment not received by 09/25/03

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM F6 SAVE F8 BACK F9 EXIT

6/16/2004 ARIPNL2

Add/Modify Billing Information

Document Number 0320001067

FRN 0003783487

GAINES COUNTY BROADCASTING, LLC

Bill Date 10/01/03 Bill Amount \$462.50

Bill Type FINE Bill Paid \$0.00

Bill Due Date 10/31/03 Bill Balance Due \$462.50

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # 00022362 Waiver Date Admin Chg Due \$0.00

Transaction Date 06/16/04 Acct Period 09 Total Due \$462.50

Bill Description Assess penalty for late regulatory fee

Line Item Sequence 002 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code

Product No. Quantity Item Amount

Document Status Item Paid

Transaction Code Item Balance Due

Reference Type Reference No. Line

Bureau File No.

Item Description

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM F6 SAVE F8 BACK F9 EXIT

AR012-A  
6/16/2004  
12:50:27

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.  
RECEIPTS DETAIL REPORT  
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1  
6/16/2004  
12:50:27

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
509534	9/30/03	0309308835855003	0003783453	Fort Stockton Radio Co., Inc.	9/26/03	\$1,850.00
Seq: 1 Call Sign: KFSTAM FCC Code 1: FCC Code 2: Tin Number:						
PTC: 0323 QTY: 1 Applied Amt: 450.00						
Applicant Name: FORT STOCKTON RADIO CO INC						
Address: 954 S US HWY 385						
Seq: 2 Call Sign: KFSTPM FCC Code 1: FCC Code 2: Tin Number:						
PTC: 0341 QTY: 1 Applied Amt: 475.00						
Applicant Name: FORT STOCKTON RADIO CO INC						
Address: 954 S US HWY 385						
Seq: 3 Call Sign: KIKZ FCC Code 1: FCC Code 2: Tin Number:						
PTC: 0323 QTY: 1 Applied Amt: 450.00						
Applicant Name: GAINES COUNTY BROADCASTING LLC						
Address: 954 S US HWY 385						
Seq: 4 Call Sign: KSEM FCC Code 1: FCC Code 2: Tin Number:						
PTC: 0341 QTY: 1 Applied Amt: 475.00						
Applicant Name: GAINES COUNTY BROADCASTING LLC						
Address: 954 S US HWY 385						
Total Applied:				\$1,850.00	Total Receipt:	\$1,850.00



Federal Communications Commission  
Washington, D.C. 20554

March 3, 2004

GAINES COUNTY BROADCASTING, LLC  
954 South Hwy. 385  
Fort Stockton, TX 797359801

Re: Bill No. 0320001067

Dear Licensee:

This letter is notice that you were late paying your 2003 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by 11:59 pm, September 25, 2003. Your fee payment of \$1,850.00 was received on September 26, 2003.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$462.50 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 30 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358340, Pittsburgh, PA 15251-8340, along with a copy of the enclosed billing invoice.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 25, 2003, such as a carrier dated receipt, please include this documentation with your response and your record(s) will be adjusted accordingly.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, reading "Claudette E. Pride".

Claudette E. Pride, Chief  
Revenue and Receivables Operations Group

Enclosure



**Federal Communications Commission  
BILL FOR COLLECTION**

FOR INQUIRIES CALL  
1-202-418-1985  
(Revenue & Receivable Ops Group)

Bill Number	Current Bill Date
0320001067	10/07/03

PAYER FRN#	APPLICANT FRN#
0003783453	0003783487

GAINES COUNTY BROADCASTING, LLC  
954 South Hwy. 385  
  
Fort Stockton, TX 797359801

Payable to:  
Federal Communications Commission  
Send a copy of this bill to:  
Federal Communications Commission  
REVENUE & RECEIVABLE OPER.  
P.O. BOX 358340  
PITTSBURGH, PA 15251-8340

Total Amount Due	Due Date
\$462.50	10/31/03
Total Amount Due Must Be Received By	

**SPECIAL INSTRUCTIONS (OPTIONAL)**

**PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED**

Assess penalty for late regulatory fee payment not received by 09/25/03

FCN: 0309308835855003      CALL SIGN: KFSTAM

PAYER ADDRESS: Fort Stockton Radio Co., Inc.  
954 South Hwy. 385  
  
Fort Stockton, TX 79735

Please write your bill number on your remittance.  
Please attach a copy of this bill to your payment to ensure proper credit.

PTC	Quantity	Fee Due
0399	1	\$462.50
<b>Total Due</b>		<b>\$462.50</b>

Payment Method:      Check ☐ (Attach)  
Credit Card ☐ (Complete Below)

☐ MasterCard      ☐ American Express  
☐ VISA      ☐ Discover

Account No:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiration:

Month		Year	

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.  
AUTHORIZED SIGNATURE      DATE

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUN 18 2004

OFFICE OF  
MANAGING DIRECTOR

Kenneth E. Ripley  
Vice President  
Fort Stockton Radio Company, Inc.  
Gaines County Broadcasting, LLC  
KFST AM/FM, KIKZ/KSEM  
954 S. US Hwy. 385  
Fort Stockton, TX 79735

Re: Bill No. 0320001067

Dear Mr. Ripley:

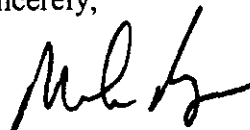
This letter is in response to your inquiry of April 30, 2004, regarding a bill from the Federal Communications Commission for late payment of your FY 2003 Regulatory Fee.

Our research has confirmed that the fee filer program was down for several hours on the 24<sup>th</sup> of September, 2003. However, it was available later in the day and again on September 25, 2003, the last day of the filing window. Please be aware that the entities could begin paying their regulatory fees as early as August 11, 2003.

We understand that once you were unable to file on-line, you decided to mail your regulatory fee in an attempt to have it filed timely, and by doing so the payment was received one day late. However, our rules state that "A timely fee payment ...is one received at the Commission's Lockbox bank by the due date specified by the Commission or by the Managing Director." The payment has to be received by the due date, not postmarked by the due date.

We have forwarded your waiver request to the Office of General Counsel for further review. Once a decision has been rendered, you will receive a written response.

Sincerely,



Mark Reger  
Chief Financial Officer